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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,844	10/16/2003	Naveen Sharma	A2485Q-US-NP XERZ 201276	1752
27885	7590	06/02/2009	EXAMINER	
Fay Sharpe LLP 1228 Euclid Avenue, 5th Floor The Halle Building Cleveland, OH 44115			HAMZA, FARUK	
			ART UNIT	PAPER NUMBER
			2455	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/686,844	<b>Applicant(s)</b> SHARMA ET AL.	
	<b>Examiner</b> FARUK HAMZA	<b>Art Unit</b> 2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4,5 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-5 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to the communication filed on December 22, 2008. Claims 1-3 and 6-16 have been canceled. Claims 17-20 are newly added. Claims 4-5 and 17-20 are pending.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

#### ***Claim Rejections - 35 USC § 101***

2. Claims 4-5 and 17-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 17 embraces or overlaps two separate statutory classes of invention set forth in 35 U.S.C. 101 in a single claim. A claim of this type is precluded by the express language of 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. Each statutory class of claims must be considered independently on its own merits, see *Ex parte Lyell* (BdPatApp&Int) 17 USPQ2d 1548 *Ex Parte Lyell*.

#### ***Claim Rejections - 35 USC § 112***

3. Claims 4-5 and 17-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are ambiguously constructed and indeterminate in scope because they purport to claim both a system and method.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 4-5 and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferlitsch et al. (2002/0113989 A1) hereinafter referred as Ferlitsch.

As to claim 17, Ferlitsch teaches a device model agent (DMA) provisioning method associated with a distributed image processing system including an asset managing system including asset management and service applications, a services host system including imaging device subscribable service applications, an imaging device, and a DMA module disposed within the imaging device wherein the asset managing system, service host system and imaging device are in network communication, the DMA provisioning method comprising:

the DMA module, communicating with the imaging device to identify a user requested imaging device service; the DMA module, communicating to the services host system the user requested imaging device service; the services host system, identifying the user requested imaging device service; the services

host system, accessing a services definitions database and retrieving data about the requested imaging device service; the services host system, processing an order for the requested imaging device service; the services host system, defining uniform service versions and parameters associated with the deployment of the requested imaging device service; the services host system, registering the deployment of the requested imaging device service to the DMA; the services host system, deploying the requested imaging device service to the DMA; and the DMA module, initiating the execution of the user requested imaging device service ([0035, 0038-0039, 0042-0045]).

As to claim 4, Ferlitsch teaches the method of claim 17 further comprising providing a user interface with which a user controls the DMA ([0052]).

As to claim 5, Ferlitsch teaches the method of claim 4 wherein the user interface is provided by a service manager ([0052]).

As to claim 18, Ferlitsch teaches the DMA provisioning method according to claim 17, wherein the imaging device includes an operating system, a network connection, a device runtime environment and a web server running in the device runtime environment, the DMA provisioning method further comprising: running a device runtime environment in the DMA; running a services environment in the DMA; running in the services environment a services layer when running; running a core device model in the DMA; running a service manager module in the core device model, wherein the service manager performs the method comprising: uploading a service; and managing

the performance of the service; and running a device interface in the DMA in communication with at least one API of the device operating system ([0038-0039, 0042-0045]).

As to claim 19, Ferlitsch teaches the DMA provisioning method according to claim 17, wherein the DMA includes at least one device interface, a services environment, and a core device model including a service manager module, the method comprising: booting the DMA; starting the service manager; loading core services with the service manager; and checking with a service supplier; receiving service configuration parameters; interpreting and processing the service configuration parameters; loading and starting user subscribed to services; an initiating a loop in the service manager comprising: checking with a service supplier; receiving service configuration parameters; interpreting and processing service configuration parameters; loading and starting newly subscribed services; stopping and unloading newly unsubscribe services; and monitoring services ([0035, 0038-0039, 0042-0045]).

As to claim 20, Ferlitsch teaches the DMA provisioning method according to claim 17, the DMA including at least one device interface, a service environment, and a core device model including a service manager module, the method comprising: running a user interface; presenting a user with a list of available services; allowing the user to select a service; allowing the user to customize a service; and ordering a service ([0047, 0049, 0052]).

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

***Response to Arguments***

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

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for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

Group Art Unite 2455

/Faruk Hamza/  
Examiner, Art Unit 2455